

7 July 72

MEMORANDUM FOR: Executive Director-Comptroller

SUBJECT: Uniform Procedures for Security Control
of Collateral TOP SECRET and
Compartmented Intelligence Materials

1. This memorandum is for your information.
2. Attached to the memorandum are uniform procedures you requested be proposed for use in the Agency to satisfy security needs for the protection and control of both collateral TOP SECRET and Compartmented Intelligence materials.
3. The proposed procedures will permit compliance with Executive Order 11652. They also include some of the modifications proposed to ease Compartmented controls. It was not believed feasible to include all modifications since these uniform procedures are intended for application both in the domestic and foreign field rather than within the Headquarters Building. The waivers granted the DDI in 1963 and 1964 for handling compartmented materials are included in recognition of the volume of such material.
4. The TOP SECRET control functions will be transferred to the Office of Security which will continue to investigate possible means of improving handling procedures including the use of ADP.

5. The Office of Security is currently coordinating these proposed procedures within the Directorates and Independent Offices. Following this action the agreed on procedures will be submitted to your Office.

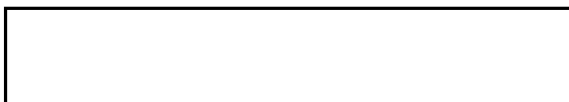
Signed

John W. Coffey
Deputy Director
for Support

Attachment

**SUBJECT : Uniform Procedures for Security Control
of Collateral TOP SECRET and
Compartmented Intelligence Materials**

ORIGINATOR:



**Howard J. Osborn
Director of Security**

28 JUN 1972
Date

Distribution:

Orig - Return to OS

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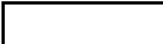
11 JUL 1972

MEMORANDUM FOR: General Counsel

SUBJECT : Uniform Procedures for Security Control
of Collateral TOP SECRET and
Compartmented Intelligence Materials

1. This memorandum contains a recommendation for
your action in paragraph 3.

2. The Executive Director-Comptroller has requested
uniform procedures which may be applied to compartmented
intelligence information and to collateral TOP SECRET material.
A draft version of the proposed uniform procedures is attached.

3. It would be appreciated if you could have a representative
contact the Chief, Special Security Center, Office of Security, on
 for discussions on this matter on the morning of 13 July 1972.

3 F 22

1:30



Chief, Special Security Center

Attachment

Uniform Procedures for Security Control
of Collateral TOP SECRET and
Compartmented Intelligence Material

The following procedures have been structured for use throughout the Agency to satisfy security needs for the protection and control of both collateral TOP SECRET and Compartmented Intelligence materials in accordance with the requirements of Executive Order 11652.

1. CONTROL OFFICERS

Agency TOP SECRET and Compartmented Control Officers will be designated as needed to receive and facilitate the transmission and control of TOP SECRET and Compartmented Intelligence documents and to serve as offices of record for major organizational components.

2. CONTROL NUMBERS

Each TOP SECRET or Compartmented Intelligence document produced or received by an activity or individual in CIA will bear a

control number which will serve to identify the document for purposes of control and accountability as long as it remains in the Agency.

(a) Documents Originated in CIA

Documents produced in CIA will be assigned a control number by the area TOP SECRET control officer in the case of collateral TOP SECRET, and by the Compartmented Intelligence Control Officer in the case of compartmented intelligence. Blocks of control numbers will be allocated by the Office of Security.

(b) Documents Received from Outside CIA

TOP SECRET and Compartmented Intelligence received from outside of CIA will bear the originator's control number. This number will be used to control the document for the period of retention within the Agency.

3. LOGS

TOP SECRET and Compartmented Intelligence documents produced or received by CIA will be recorded by the Area TOP SECRET or Compartmented Intelligence Control Officer serving the component

or individual originating or receiving the document. A log record will be maintained. [This log will include the title or subject, control number, originating office, date of document, copy number. Each subsequent transfer of a copy of a document outside the area will be recorded in the log showing date of transfer, recipient and courier receipt number if applicable.] Logs may be destroyed five years after the documents shown in the log have been destroyed, downgraded, transferred to Records Center or sent outside of the purview of the control officer.

4. COVER SHEETS

A control and cover sheet will be prepared by the control officer for each copy of every TOP SECRET or Compartmented Intelligence document until such time that the document is downgraded or destroyed. Each control officer who receives the document will sign in the left-hand column and record the date of receipt. Each individual other than the control officer who receives the document will sign in the right-hand column. The cover sheet may be used as a certificate of destruction. New cover sheets will be attached when the document is dispatched outside of CIA if the identity of CIA officers is revealed on the original cover sheet.

5. TRANSMISSION OF DOCUMENTS

(a) TOP SECRET or Compartmented Intelligence documents may be delivered by any Agency courier service.

(b) TOP SECRET or Compartmented Intelligence documents may be delivered throughout the Headquarters Building by any staff officer accredited for access to the material.

(c) TOP SECRET or Compartmented Intelligence documents are to be delivered only to Control Officers who will insure they are provided only to individuals approved for access to the material involved.

TRANSMISSION WITHIN THE AGENCY

(a) Document Receipt Form 2600 will be used when transmitting TOP SECRET or Compartmented Intelligence documents within the Agency.

(b) If copy number one of Form 2600 is not returned within 14 days, a follow-up will be initiated by the sender.

TRANSMISSION OUTSIDE THE AGENCY

(a) Courier Receipts

Couriers Classified Mail Receipt Form 240a will be prepared for each TOP SECRET or Compartmented Intelligence document or group of documents sent outside the Agency. The receipts will be numbered serially and the number will be inscribed on the corresponding document receipt and on the envelopes or wrappers. The courier will sign and enter the date and time of pick-up on the duplicate which will be maintained in the transmitting office.

(b) Document Receipts

A document receipt Form 615 will be prepared in duplicate for each document or group of documents. The original document receipt will be enclosed with the documents in the inner wrapping and the duplicate retained pending return of the original. A follow-up will be made on any document at the end of a two-week period, if receipt is not returned.

6. WRAPPING

(a) Transmission within the Agency

TOP SECRET or Compartmented Intelligence documents are to be transmitted within the Headquarters Building in such a manner as to preclude inadvertent exposure.

(b) Transmission Outside the Agency

TOP SECRET or Compartmented Intelligence information and material shall be enclosed in opaque inner and outer covers before transmitting. The inner cover shall be a sealed wrapper or envelope plainly marked with the assigned classification and address. The outer cover shall be sealed and addressed with no indication of the classification of its contents. A return address will be included.

7. DESTRUCTION

The destruction of TOP SECRET or Compartmented Intelligence documents must be accomplished in accordance with applicable laws and regulations. Questions concerning the legal authority for the destruction of Government records should be referred to the area

records officer. Surplus copies of TOP SECRET or Compartmented Intelligence documents may be destroyed by burning or pulping. This is accomplished by the custodian or his designee by tearing or shredding into any standard disposal bag. The date of destruction will be recorded in the area log. It is the responsibility of the custodian to inform the area Control Officer of destruction.

8. REPRODUCTION

TOP SECRET or Compartmented Intelligence documents may be reproduced only upon authorization by the originator and reproduction must be limited to the minimum number of copies required for efficient operation. Reproduction copies will be controlled in the same manner as prescribed for original copies.

(a) CIA Produced Documents

Permission to reproduce CIA originated TOP SECRET or Compartmented Intelligence documents will be obtained from the originator if within the area proposing to reproduce or through the appropriate control officer if in another area.

(b) Non-CIA Produced Documents

Permission to reproduce TOP SECRET or Compartmented Intelligence documents of other

than CIA origin will be requested through the receiving control officer.

9. ACCOUNTABILITY

If TOP SECRET or Compartmented Intelligence documents cannot be accounted for, the Office of Security will be informed promptly.

10. WAIVERS

Receipts will not be required for the transmittal of T/K material within the Headquarters Building in that area formerly known as the All-Source Center. OCI Registry's current procedures will serve in satisfaction of requirements for registration and accountability of T/K material.

The initial point of receipt of COMINT within the Agency will serve as the official registry for record of disposition of such material and it will no longer be necessary to maintain strict accountability of such material among and between other internal control points or registries within the Headquarters Building.

ROUTING AND RECORD SHEET

SUBJECT: (Optional)

OGC Subj: SECURITY E.O. 11652 CLASS & DCI CLASS

FROM:

Chief, Special Security Center

EXTENSION

NO.

DATE

11 May 1972

TO: (Officer designation, room number, and building)

DATE

RECEIVED

FORWARDED

OFFICER'S INITIALS

COMMENTS (Number each comment to show from whom to whom. Draw a line across column after each comment.)

1.

General Counsel

11/1/72

2.

3.

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15.

*National Archives and Records Service
Washington, DC 20408*



July 6, 1972

Mr. John S. Warner
Deputy General Counsel
Central Intelligence Agency
Washington, D. C. 20505

Dear Mr. Warner:

Thank you for your draft regulation, "Public Access to Documents and Records - Declassification Requests." Part 1900 in Title 32 of the Code of Federal Regulations, "National Defense," has been assigned to this document. I have enclosed a redraft for your review, including a sample Federal Register preamble, which conforms your regulation to the organizational structure of the Code of Federal Regulations. I hope our proposed codification meets with your approval.

It is my personal opinion that you have taken an overly negative position with respect to documents that fall within one of the exemptions in section 552. I do not think that most agencies would automatically deny a request for a document on this ground as does your proposed paragraph 7(a). Enclosed is a copy of the Department of Transportation Freedom of Information regulations which contains a policy statement that seems to me to be a better approach.

Please contact me if you have any comments and/or suggestions concerning the redraft, or if our office may be of assistance in any way.

Sincerely,

A handwritten signature in dark ink, appearing to read "Fred J. Emery", written over a circular stamp.

FRED J. EMERY
Director of the Federal Register

Enclosures

Sec.
Appendix A—Office of the Secretary.
Appendix B—United States Coast Guard.
Appendix C—Federal Aviation Administration.
Appendix D—Federal Highway Administration.
Appendix E—Federal Railroad Administration.
Appendix F—St. Lawrence Seaway Development Corporation.
Appendix G—Urban Mass Transportation Administration.
Appendix H—National Highway Safety Bureau.

AUTHORITY: The provisions of this Part 7 issued under sec. 501, 65 Stat. 290, 80 Stat. 383, sec. 9, 80 Stat. 944; 31 U.S.C. 483, 49 U.S.C. 1657, unless otherwise noted.

SOURCE: The provisions of this Part 7 appear at 32 F.R. 9284, June 29, 1967, unless otherwise noted.

Subpart A—Applicability and Policy

§ 7.1 Applicability.

(a) This part implements section 552 of Title 5, United States Code, and prescribes rules governing the availability to the public of the records of the Department of Transportation. It does not apply to the National Transportation Safety Board.

(b) Subpart F of this part describes the records that are not required to be disclosed under this part.

(c) Appendices A through H to this part describe the places and times at which records will be available for inspection and copying and define the kinds of records located at each facility. The Director of Public Affairs may amend Appendix A to this part to reflect any changes in the items covered by that appendix. The head of the operating administration concerned may amend the appendix applicable to that Administration to reflect any changes in the items covered by that appendix.

(d) This part applies only to records that exist at the time the request for the information is made. The Department is not required to compile or procure a record solely for the purpose of making it available under this part.

(e) This part does not apply to studies, compilations, transcripts, or other records requested under section 9(n) of the Department of Transportation Act. [32 F.R. 9284, June 29, 1967, as amended by Amdt. 7-1, 34 F.R. 7332, May 6, 1969; Amdt. 7-3, 36 F.R. 63, Jan. 5, 1971]

§ 7.5 Policy.

In implementing section 552 of Title 5, United States Code, it is the policy of the Department of Transportation to make information within the Department available to the public to the greatest extent possible in keeping with the spirit of that section. Therefore, all records of the Department, except those that the Department specifically determines must not be disclosed in the national interest, for the protection of private rights, or for the efficient conduct of public business, are declared to be available for public inspection and copying as provided in this part. Each officer and employee of the Department is directed to cooperate to this end and to make records available to the public promptly and to the fullest extent consistent with this policy. A record may not be withheld from the public solely because its release might suggest administrative error or embarrass an officer or employee of the Department.

§ 7.5 Definitions.

Unless the context requires otherwise, the following definitions apply in this part:

"Department" means the Department of Transportation, including the Office of the Secretary and the following operating administrations:

- (a) The Coast Guard.
- (b) The Federal Aviation Administration.
- (c) The Federal Highway Administration.
- (d) The Federal Railroad Administration.
- (e) The St. Lawrence Seaway Development Corporation.
- (f) The Urban Mass Transportation Administration.

"Includes" means "includes but is not limited to."

"May" is used in a permissive sense to state authority or permission to do the act prescribed.

"Record" includes any writing, drawing, map, recording, tape, film, photograph, or other documentary material by which information is preserved.

"Secretary" means the Secretary of Transportation or any person to whom he has delegated his authority in the matter concerned.

(g) The National Highway Traffic Safety Administration.

[32 F.R. 9284, June 29, 1967, as amended by Amdt. 7-1, 34 F.R. 7332, May 6, 1969; Amdt.

The Central Intelligence Agency adopts the following rules of procedure for public access to the records of the Central Intelligence Agency and requests for classification review of classified information and material. This regulation implements requirements of the Freedom of Information Act, Executive Order 11652, and the National Security Council Directive of May 17, 1972.

Therefore, pursuant to the authority of the National Security Act of 1947, the Central Intelligence Agency Act of 1949, the Freedom of Information Act (5 U. S. C. 552), and Executive Order 11652, Title 32 is amended by establishing a new Chapter XIX and adding a new Part 1900, as set forth ~~above~~ *below.*

This amendment will become effective

32 CFR Chapter XIX

Part 1900 -- PUBLIC ACCESS TO DOCUMENTS AND RECORDS
AND DECLASSIFICATION REQUESTS

GENERAL

SEC.

- 1900.1 Purpose.
- 1900.3 Organization and Requests for Information.
- 1900.5 Requests for Documents or Classification Review.
- 1900.7 Processing Requests.

REQUESTS INVOLVING
CLASSIFIED DOCUMENTS

- 1900.11 Action on Requests Involving Classified Documents.

REQUESTS NOT INVOLVING
CLASSIFIED DOCUMENTS

- 1900.21 Action on Requests which do not Involve Classified Documents

SEC.

APPEALS

- 1900.31 Appeal to CIA Information Review Committee
- 1900.33 Suggestions and Complaints
- 1900.35 CIA Information Review Committee
- 1900.37 Appeal to Interagency Classification Review
 Committee

FEES

- 1900.41 Fees

AUTHORITY:

This Part 1900 is issued under the authority of the National Security Act of 1947, the Central Intelligence Agency Act of 1949, the Freedom of Information Act (5 U.S.C. 552), and Executive Order 11652.

GENERAL

SEC.

1900.1 Purpose.

This part implements the requirements of the Freedom of Information Act and Executive Order 11652, and establishes the rules of procedure with respect to public access to the records of the Central Intelligence Agency and requests for classification review of classified information and material.

1900.3 Organization and Requests for Information.

The headquarters of the Central Intelligence Agency is located in Fairfax County, Virginia. Functions are channeled and determined by regular chain-of-command procedures. Other than this part, there are no formal or informal procedural requirements regarding public access to Agency records. Requests for information and decisions and other submittals may be address to The Assistant to the Director, Central Intelligence Agency, Washington, D. C. 20505.

SEC.

1900.5 Requests for Documents or Classification Review.

(a) Any person may request that any identifiable records or documents be made available.

(b) Any person may request a classification review of records or documents which are classified under Executive Order 11652, or any predecessor Executive Order, and are more than ten (10) years old.

(c) Requests may be addressed to The Assistant to the Director, Central Intelligence Agency, Washington, D. C. 20505. Requests need not be made on any special form but may be by letter or other written communication setting forth the pertinent facts with ^{sufficient particularity} ~~enough specificity~~ that the requested document or record can be located or identified with a reasonable amount of effort.

1900.7 Processing Requests.

(a) The Assistant to the Director shall promptly acknowledge receipt, in writing, and refer the request to the Agency component having responsibility for the records or matter involved (the responsible component).

SEC.

1900.7 (b) The responsible component shall undertake to locate or identify the document. If the request does not describe the document with sufficient particularity to permit it to be located or identified with reasonable effort, the responsible component shall so inform the Assistant to the Director. The Assistant to the Director will advise the requester that additional identifying information should be provided. The requester may then resubmit his request, furnishing additional identifying information. Any resubmitted request also shall be processed in accordance with this regulation. If the request is determined to be unduly burdensome, the requester will be asked to limit his request to records that are reasonably obtainable.

(c) Upon locating a requested document or upon identifying it sufficiently to permit the making of the appropriate determinations under this section or section 1900.11, the responsible component shall determine the date of origin of the document and whether the document is classified under E. O. 11652 or any predecessor Executive Order. If the component determines

1900.7 that the document is unclassified, the request shall
be further processed as provided for in section 1900.21
of this part.

REQUESTS INVOLVING CLASSIFIED DOCUMENTS

1900.11 Action on Requests Involving Classified Documents

(a) If the document is less than ten (10) years old,
the component shall so inform the Assistant to the Director,
who thereupon shall deny the request.

(b) If the document is between ten (10) and thirty (30)
years old, the component shall review the classification
and continue, modify, or remove the classification based
on the principles prescribed for classification decisions by
E.O. 11652 and implementing directives and regulations.

(1) If the component classifies the document, at
the original level of classification, or at another level,
it shall so advise the Assistant to the Director and, if it
is possible to furnish the requester with a brief state-
ment as to why the document cannot be declassified,
furnish such a statement to the Assistant to the Director.
The Assistant to the Director thereupon shall deny the
request and transmit to the requester the statement
furnished him.

SEC.

1900.11 (2) If the component declassifies the document, the request shall be further processed as provided for in section 1900.21 of this part.

(c) If the document is at least thirty (30) years old, the component shall forward the request, together with its recommendation for continuing, modifying, or removing the classification, to the Director for his personal action under Section 5.E. of E. O. 11652. The Director may continue, modify, or remove the classification. If the Director classifies the document at the original level of classification, or at another level, he also shall specify the reasons for continued classification and shall set a date on which the document shall become declassified. The Director's decision shall be made known to the requester.

(d) If possible, action on each request referred to a responsible component under section 1900.7(a) shall be completed within thirty (30) days of receipt of the referral. If action cannot be completed within thirty (3) days, the component shall so inform the Assistant to the Director and shall explain the reasons for further delay. The

SEC.

1900.11 Assistant to the Director shall so advise the requester. If the requester does not receive a decision on his request within sixty (60) days, he may apply to the Central Intelligence Agency Information Review Committee, established pursuant to Section 7(B)(2) of E.O. 11652. Any such application shall be processed as an appeal as provided for in section 1900.35 of this part.

REQUESTS NOT INVOLVING
CLASSIFIED DOCUMENTS

1900.21 Action on Requests which do not **Involve** Classified Documents.

(a) When a responsible component determines that a request refers to a document which is unclassified (section 1900.7(c)), or when the responsible component declassifies a document under 1900.11(b)(2) above, the component thereupon shall determine whether the document is exempt from public disclosure under any of clauses (2) through (9) of subsection 552(b), Title 5, United States Code.

SEC.

1900.21 (b) If the component determines that the document is exempt under any of such clauses, it shall so advise the Assistant to the Director, who thereupon shall deny the request.

(c) If the component determines that the document is not exempt, it shall so advise the Assistant to the Director, who shall furnish the requester with a copy of the document or give him access to it.

APPEALS

1900.31 Appeal to CIA Information Review Committee

(a) Notification of Right to Appeal. When the Assistant to the Director advises a requester that a request does not describe a document with sufficient particularity to permit it to be located with reasonable effort (section 1900.7(b)), or when he denies a request pursuant to sections 1900.11(a), 1900.11(b)(1), or 1900.21(a), he shall also advise the requester that he may appeal that decision to the Central Intelligence Information Review Committee, established pursuant to Section 7(B)(2) of E. O. 11652.

SEC.

1900.31 (b) Procedures. Any requester, by letter or other written communication, may appeal to the Central Intelligence Agency Information Review Committee any decision conveyed to him under sections 1900.7(b), 1900.11(a), 1900.11(b)(1), or 1900.21(a), or apply to the Committee in accordance with section 1900.11(d). The communication should (1) indicate the decision being appealed or, in the case of section 1900.11(d) applications, the action sought, and (2) present any information or justification the requester may wish to submit. It should be addressed to that Committee, %The Assistant to the Director, Central Intelligence Agency, Washington, D. C. 20505. The Assistant to the Director shall forward the communication to the Committee for appropriate action under section 1900.31(c)(2).

1900.33 Suggestions and Complaints.

Any person may direct suggestions and complaints with respect to the Agency administration of the Executive Order and the implementing regulations, including those regarding overclassification, failure to declassify, or delay in declassifying, to the CIA Information Review

SEC.

1900.35 CIA Information Review Committee.

The CIA Information Review Committee, established pursuant to Section 7(B)(2) of E. O. 11652, shall perform the following functions.

(a) Within thirty (30) days the Committee shall consider any appeals forwarded to it under this section and take such action thereon as it may deem appropriate, based on the principles prescribed for classification decisions by E. O. 11652 and implementing directives and regulations, and on other applicable statutes and regulations. The Committee may affirm, overrule, or modify the appealed decision.

(b) The Committee shall consider and resolve all suggestions and complaints concerning CIA implementation and administration of E. O. 11652, including any concerning overclassification, failure to declassify, or delay in declassifying.

SEC.

1900.37 Appeal to Interagency Review Committee.

When a request for declassification is denied, the requester shall be advised of his right to appeal that denial to the Interagency Classification Review Committee, established by Section 7(A) of E. O. 11652.

FEES

1900.41 Fees.

12. Fees. In accordance with Section 483a of Title 31 of the United States Code, fair and equitable fees may be charged in connection with any Agency action or service in response to a request under this regulation. Fees shall be based on the cost to the Government to conduct the necessary research and on the other standards prescribed in Section 483a. If a fee is to be charged, the requester shall be so informed by the Assistant to the Director and payment, or satisfactory assurances of payment, obtained from the requester before the action or service is undertaken.